

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JUAN CARLOS SUAREZ
Plaintiffs

v.

**LIBERTY MUTUAL INSURANCE
CORPORATION**
Defendant

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Civil Action No. 5:17-cv-01054

DEFENDANT’S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Liberty Insurance Corporation¹ (“Liberty”) files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully shows the following:

Procedural Background

1. On August 29, 2017, Plaintiff Juan Carlos Suarez (“Plaintiff”) filed his Original Petition styled Cause No. 2017CI16426, Juan Carlos Suarez v. Liberty Mutual Insurance Corporation², in the 288th Judicial District of Bexar County, Texas. Liberty was served with citation on September 25, 2017.

Nature of the Suit

2. This lawsuit involves a dispute over Liberty’s alleged handling of Plaintiff’s insurance claims for damages to Plaintiff’s property, located at 18315 Settlement Way, San Antonio, Texas 78258. Plaintiff alleges breach of the insurance contract, violations of the Texas

¹ Liberty Mutual Insurance Corporation was incorrectly named in this suit. Liberty Insurance Corporation, and not Liberty Mutual Insurance Corporation, issued the subject policy in this case.

Insurance Code, and breach of duty of good faith and fair dealing. Plaintiff currently seeks actual damages, statutory damages, treble damages, exemplary damages, pre- and post-judgment interest, and other litigation expenses and costs of court.

Basis for Removal

3. Removal is proper under 28 U.S.C. §1332 because there is complete diversity of citizenship between the parties to the suit, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. There is complete diversity of citizenship between the parties. At the time Plaintiff filed his Original Petition in District Court on August 29, 2017 and as of the date of filing this Notice, Liberty was and is a company organized under the laws of the State of Illinois whose principal place of business is 175 Berkeley Street, Boston, Massachusetts. Accordingly, at the time Plaintiff initially filed this suit, and through the filing of this Notice, Defendant Liberty is not a citizen of the State of Texas for diversity jurisdiction purposes.³

5. Upon information and belief, Plaintiff was a citizen of Texas when his Original Petition was filed, and continues to be a citizen of Texas.

6. Further, this Court has diversity jurisdiction over this matter because the amount in controversy exceeds the jurisdictional threshold. The amount in controversy specified in Plaintiff's Original Petition is "over \$200,000.00 but not more than \$1,000,000.00."⁴

³ As discussed above, Liberty Insurance Corporation, the proper defendant in this case, was, at the time Plaintiff filed his Original Petition, a company organized under the laws of the State of Illinois. Its principal place of business is 175 Berkeley Street, Boston, Massachusetts. Therefore, Liberty is considered an out-of-state citizen for diversity jurisdiction purposes.

⁴ See Plaintiff's Original Petition, ¶ 22.

The Removal is Procedurally Correct

7. Liberty was first served with the Original Petition in District Court on September 25, 2017. Therefore, Liberty filed this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

8. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this district.

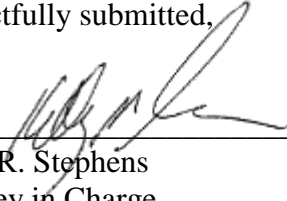
9. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filing in the state court action are attached to this Notice as Exhibit "A."

10. Pursuant to 28 U.S.C. §1446(d), promptly after Liberty files this Notice, written notice of the filing of this Notice of Removal will be given to the Plaintiff, the adverse party.

11. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice will be filed with the District Clerk for the 288th Judicial District Court of Bexar County, Texas, promptly after Liberty files this Notice.

WHEREFORE, Liberty Insurance Corporation requests that this action be removed from the 288th Judicial District Court of Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,



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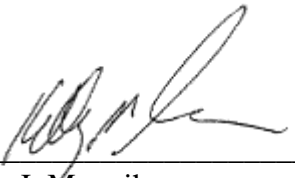
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*Counsel for Defendant Liberty Insurance
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Defendant's Notice of Removal was filed electronically with the United States District Court for the Western District of Texas, San Antonio Division, with notice of case activity to be generated and sent electronically by the Clerk of the Court with ECF notice being sent and a copy mailed *via certified mail* on this 19th day of October 2017, addressed to those who do not receive notice from the Clerk of the Court.

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